

House File 552 - Introduced

HOUSE FILE _____
BY SCHICKEL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to sex offenders by restricting the presence of
2 offenders on certain real properties where minors are present,
3 repealing the residency restriction for offenders residing
4 near a school or child care facility, and providing a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1577YH 82
7 jm/je/5

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1 1 Section 1. NEW SECTION. 692.3A PRESENCE ON THE REAL
1 2 PROPERTY WHERE CHILDREN ARE PRESENT == RESTRICTION.
1 3 1. RESTRICTION. A person required to register under this
1 4 chapter who has been convicted of a criminal offense against a
1 5 minor, or an offense involving a minor that is an aggravated
1 6 offense, sexually violent offense, or other relevant offense,
1 7 shall not be knowingly present on the real property comprising
1 8 a public or nonpublic elementary or secondary school, child
1 9 care facility, public park, library, or public swimming pool
1 10 unless subsection 2 or 3 applies or any of the following
1 11 apply:
1 12 a. The person is transporting a minor who is a child of
1 13 the person to or from the school or child care facility.
1 14 b. The person is attending a parent=teacher conference
1 15 regarding a minor who is a child of the person.
1 16 c. The person has been summoned to discuss the academic or
1 17 social progress of a minor who is a child of the person.
1 18 d. The person is voting at the school or child care
1 19 facility during the hours designated to vote.
1 20 e. The person is present at a public park, library, or
1 21 public swimming pool with a minor who is the child of the
1 22 person.
1 23 2. SCHOOL OR CHILD CARE FACILITY EXCEPTION. If the person
1 24 intends to be present at a public or nonpublic elementary or
1 25 secondary school or child care facility for any other reason
1 26 not enumerated in subsection 1, the person shall first notify
1 27 the administrative offices of the public or nonpublic
1 28 elementary or secondary school or child care facility that the
1 29 person intends to be present on the real property comprising
1 30 the school or child care facility, and the person shall
1 31 receive written permission from the school or child care
1 32 facility prior to entering onto the real property comprising
1 33 the school or child care facility.
1 34 3. PUBLIC PARK, LIBRARY, OR PUBLIC SWIMMING POOL
1 35 EXCEPTION. If the person intends to be present at a public
2 1 park, library, or public swimming pool for any other reason
2 2 not enumerated in subsection 1, the person shall first notify
2 3 the administrative offices of the public park, library, or
2 4 public swimming pool that the person intends to be present on
2 5 the real property comprising the public park, library, or
2 6 public swimming pool, and the person shall receive written
2 7 permission from administrative offices of the public park,
2 8 library, or public swimming pool prior to entering onto the
2 9 real property comprising the public park, library, or public
2 10 swimming pool. Written permission received pursuant to this
2 11 subsection permits entry onto the real property until such
2 12 time as the administrative office revokes the written
2 13 permission.
2 14 4. PENALTY. A person who commits a violation of this
2 15 section commits an aggravated misdemeanor.
2 16 Sec. 2. Section 692A.5, subsection 1, paragraph h, Code
2 17 2007, is amended by striking the paragraph and inserting in
2 18 lieu thereof the following:

2 19 h. Inform the person of restrictions for being present on
2 20 real property comprising a public or nonpublic school, child
2 21 care facility, public park, library, or public swimming pool.
2 22 Sec. 3. Section 692A.2A, Code 2007, is repealed.
2 23 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 24 3, shall not apply to this Act.

2 25 EXPLANATION

2 26 This bill relates to sex offenders by restricting the
2 27 presence of offenders on certain real properties where minors
2 28 are present, and repealing the residency restriction for
2 29 offenders residing near a school or child care facility.

2 30 The bill provides that a registered sex offender who has
2 31 been convicted of a criminal offense against a minor, or an
2 32 offense involving a minor that is an aggravated offense,
2 33 sexually violent offense, or other relevant offense, shall not
2 34 be present on the real property comprising a public or
2 35 nonpublic elementary or secondary school, child care facility
3 1 or public park, library, or public swimming pool. However,
3 2 the bill provides exceptions: (1) a sex offender may be
3 3 present on school or child care facility property if the sex
3 4 offender is transporting the offender's child to or from
3 5 school or a child care facility, the offender is attending a
3 6 parent=teacher conference, the sex offender is summoned to
3 7 discuss the academic or social progress of the offender's
3 8 child, the sex offender is voting in an election during the
3 9 designated hours to vote, or the sex offender is present at a
3 10 public park, library, or public swimming pool with a minor who
3 11 is the child of the person; (2) if a sex offender is to be
3 12 present on the real property of a school or child care
3 13 facility for any other reason, the offender must first receive
3 14 written permission from the administrative offices of the
3 15 school or child care facility prior to entering onto the
3 16 property; (3) if the sex offender is to be present on the real
3 17 property comprising a public park, library, or public swimming
3 18 pool for any other reason, the offender must first receive
3 19 written permission from the administrative offices of the
3 20 public park, library, or public swimming pool prior to
3 21 entering onto the property.

3 22 If a person receives written permission to enter onto the
3 23 real property of a public park, library, or public swimming
3 24 pool under the bill, the permission to enter onto such
3 25 property permits entry onto the property until such time as
3 26 the administrative office revokes the written permission.

3 27 The bill also repeals Code section 692A.2A, which prohibits
3 28 certain sex offenders from residing within 2,000 feet of a
3 29 school or child care facility under most circumstances.

3 30 A person who violates the bill commits an aggravated
3 31 misdemeanor.

3 32 An aggravated misdemeanor is punishable by confinement for
3 33 no more than two years and a fine of at least \$625 but not
3 34 more than \$6,250.

3 35 The bill may include a state mandate as defined in Code
4 1 section 25B.3. The bill makes inapplicable Code section
4 2 25B.2, subsection 3, which would relieve a political
4 3 subdivision from complying with a state mandate if funding for
4 4 the cost of the state mandate is not provided or specified.
4 5 Therefore, political subdivisions are required to comply with
4 6 any state mandate included in the bill.

4 7 LSB 1577YH 82

4 8 jm:rj/je/5.1